

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director

SUBJECT: Quasi Judicial Hearing: Variance

Application No., Project Name and Location:

V 12 -3-01, Hassan Shaygannik & Foroozan Zarnani, Generally located on west side of SW 76 Avenue approximately 1/4 mile north of Orange Drive.

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM:

V 12-3-01, Hassan Shaygannik & Foroozan Zarnani, 4129 SW 76 Avenue (A-1)

REPORT IN BRIEF:

The applicant proposes to construct a three-story residences and gazebo on the subject site. The rectangular lot limits for setback purposes is considered to be the front of the property.

c

The variance requested is the minimum in view of the above criteria. The unique lot configuration provides design challenges. The variances requested are consistent with the goals and objectives of the zoning district.

Staff is of the opinion that given the lot configuration, and compliance with the goals and objectives of the Town and project, the variances requested are the minimum required to develop the land and will blend with the surrounding developments.

PREVIOUS ACTIONS: None

CONCURRENCES:

The Planning
Bender, 4-0, Mr. Waitkus absent) February 13, 2002 meeting.

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve

Attachment(s): Justification Letter, Proposed Site Layout Plan, Land Use Map, Subject Site Map, and Aerial.

Application #: V 12-3-01

Revisions:

Exhibit "A":

Original Report Date: 2/6/02

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner/Agent:

Name: Hassan Shaygannik & Foroozan Zarnani

Address: 1720 SW 47 Terrace

City: Fort Lauderdale, FL 33314

Phone: (954) 797-0068

BACKGROUND INFORMATION

Notification Date: February 6, 2002 **Number of Notifications:** 33

Application History: None

Application Requests: From Section 12-81(A) which requires a minimum rear yard of 40 feet in the A-1 zoning district; to reduce the required rear yard from 40 feet to 25 feet.

Address/Location: 4129 SW 76 Avenue/Generally located on west side of SW 76 Avenue approximately 1/4 mile north of Orange Drive.

Future Land Plan Use Designation: Regional Activity Center

Zoning: A-1, Agricultural District

Existing Use: Vacant land

Proposed Use: Single Family Dwelling

Parcel Size: 1.1743 gross acres (51,150 square feet)

Surrounding Land Use:

North: Single Family Dwelling
South: Single family residences
East: Boggs Country Acres
West: Single Family dwelling

Land Use Designation

Regional Activity Center
Regional Activity Center
Residential (1 du/ac)
Regional Activity Center

Surrounding Zoning:

North: A-1, Agricultural District
South: A-1, Agricultural District
East: A-1, Agricultural District
West: A-1, Agricultural District

ZONING HISTORY

Related Zoning History: None

Previous Request on same property: None

DEVELOPMENT PLAN DETAILS

The petitioner is proposing to construct a single family home on approximately 1.1743 gross acres (51,150 square feet) of unplatted property. One access opening is provided to site from SW 76 Avenue.

Applicable Codes and Ordinances

Section 12-81(A) which requires a minimum rear yard of 40 feet in the A-1 zoning district.

Comprehensive Plan Considerations

Planning Area: This property falls within Planning Area 8, this planning area is the “heart” of Davie, and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, larger-scale multi-family residential developments that serve the rapidly growing South Florida Educational Center (SFEC). The SFEC includes Nova Southeastern University, Florida Atlantic University, Broward Community College, Florida International University, and Mc Fatter Vocational School, among others. The planning area also encompasses the downtown Davie Business District, where

western-theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities recently annexed into the Town, and industrial land.

Broward County Comprehensive Plan Considerations

This property falls within Flexibility Zone 99. This site falls within a compact deferral area as identified by the Broward County Compact Deferral map.

Staff Analysis

The applicant proposes to construct a three-story residences and gazebo on the subject site. The rectangular lot configuration and the canal along the east limits presents design challenges, as the east limits for setback purposes is considered to be the front of the property.

The variance requested is the minimum in view of the above criteria. The unique lot configuration provides design challenges. The variances requested are consistent with the goals and objectives of the zoning district.

Staff is of the opinion that given the lot configuration, and compliance with the goals and objectives of the Town and project, the variances requested are the minimum required to develop the land and will blend with the surrounding developments.

Findings of Fact

Variances: Section 12-309:

(a) There are special circumstances and conditions applying to the land for which the variance is sought; the circumstances or conditions are peculiar to such land and do not apply generally to land in the same district; said circumstances or conditions may be such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought; the alleged hardship can be considered not self-created by any person having an interest in the property;

(b) The granting of the variances may be necessary for the reasonable use of the land or building based upon the area in question and that the variance as requested is the minimum variance that will accomplish this purpose;

(c) Granting of the requested variances are in harmony with the general purpose and intent

of this chapter, and are not injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

Recommendation: Based upon the above and the findings of fact in the positive, staff recommends approval of the variance requests.

Planning and Zoning Board

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend approval (Motion By: Ms. Moore, Seconded By: Vice-Chair Bender, 4-0, Mr. Waitkus absent) February 13, 2002 meeting.

Exhibits

Justification Letter, Proposed Site Layout Plan, Land Use Map, Subject Site Map, and Aerial.

Prepared by: _____ Reviewed by: _____

Town of Davie
Planning and Zoning

Dec. 28- 2001

Request: Variance from section 12-81 A which requires 40 feet rear setback to reduce to 25 feet.

Special Circumstances:

1. Old legal lot of records
2. Property is constrained by the canal (7000 square feet) and access is not typical but it is over the canal through the bridge. Therefore it is not a regular street
3. Minimum zoning variance for a house with Persian garden exclusively restricted to one residence
4. The neighboring house in the back is located 100 feet distant from the property line (please see the official sealed survey)
5. To be in harmony with the next house in the entrance looking over northward and it was assumed to be the side rather than the rear

Primarily there was an honest misinterpretation that the drive way extended over the bridge and connecting this property to 76th Ave. and shared with the neighbor was considered the right of way, and thus this property enjoys two frontages. Based on this assumption the plan was drawn and after the permit for septic tank and drain fill was issued and following the advice of HRS the job was done and the dirt road was used for the pad. Very shortly afterwards, the Planning and Zoning informed us that only an open road is considered the right of way and thus we just have one frontage. Therefore, originally we did not have any intention for this situation or applying for variance, but due to unintentional circumstances there was no viable and rational alternative except to apply for variance especially after the support of the case by the planning and zoning department.

However, this coincidence can be mutually beneficial to the property owners and the neighborhood. Simply because if the request for variance is granted, it boosts our incentive to invest even more for developing the Persian garden in the front than in the back by higher number of plants, trees and bushes. This will contribute to the taste of elegance of our unique rural characteristics of pleasant Town of Davie and encourage us to be motivated more environmentally and statically. Therefore, it will enhance both the value and welfare of the community.

Thank you for your consideration,

Very sincerely yours,


Hassan Shayanik and Forbozan Zamani

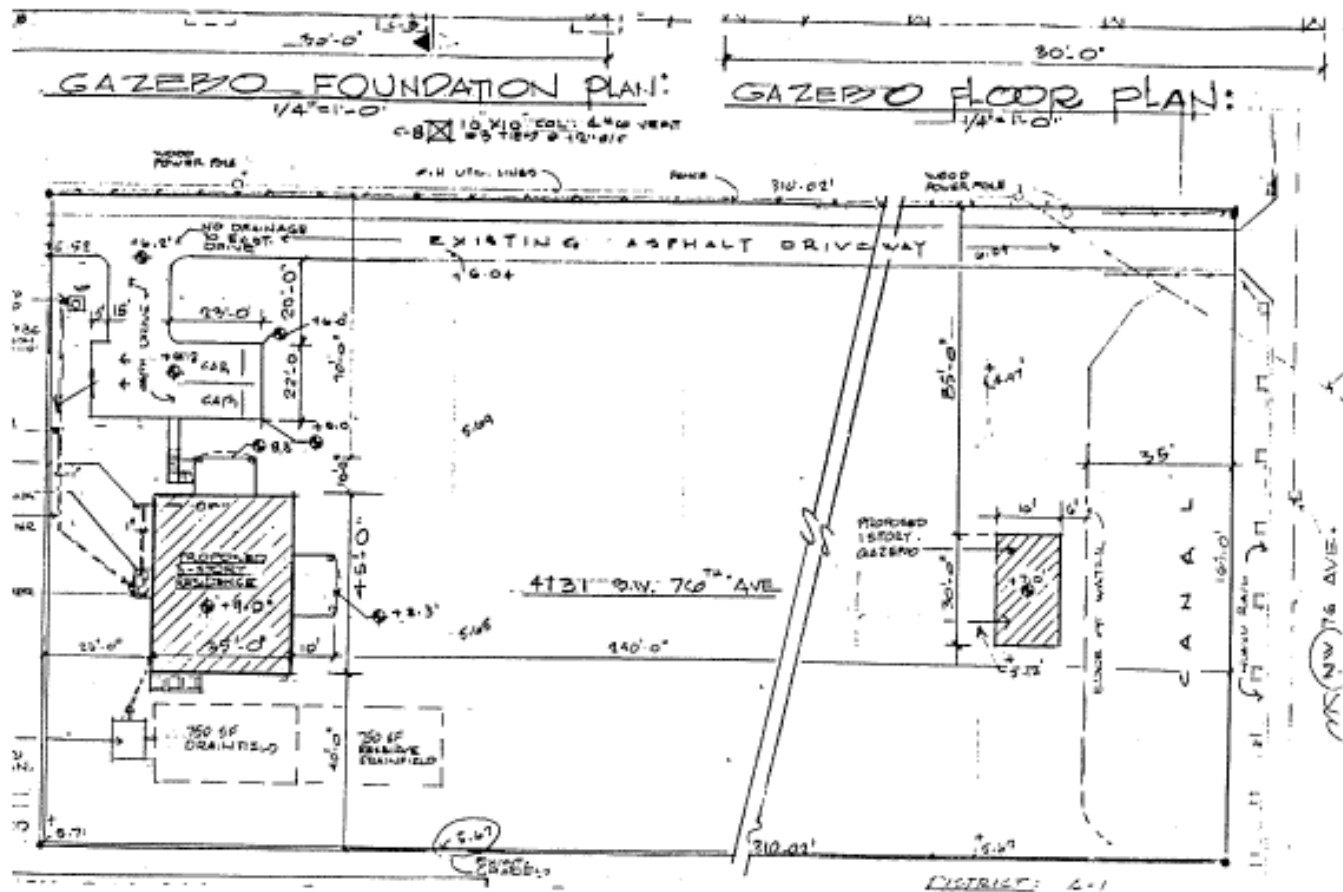
GAZERO FOUNDATION PLAN:

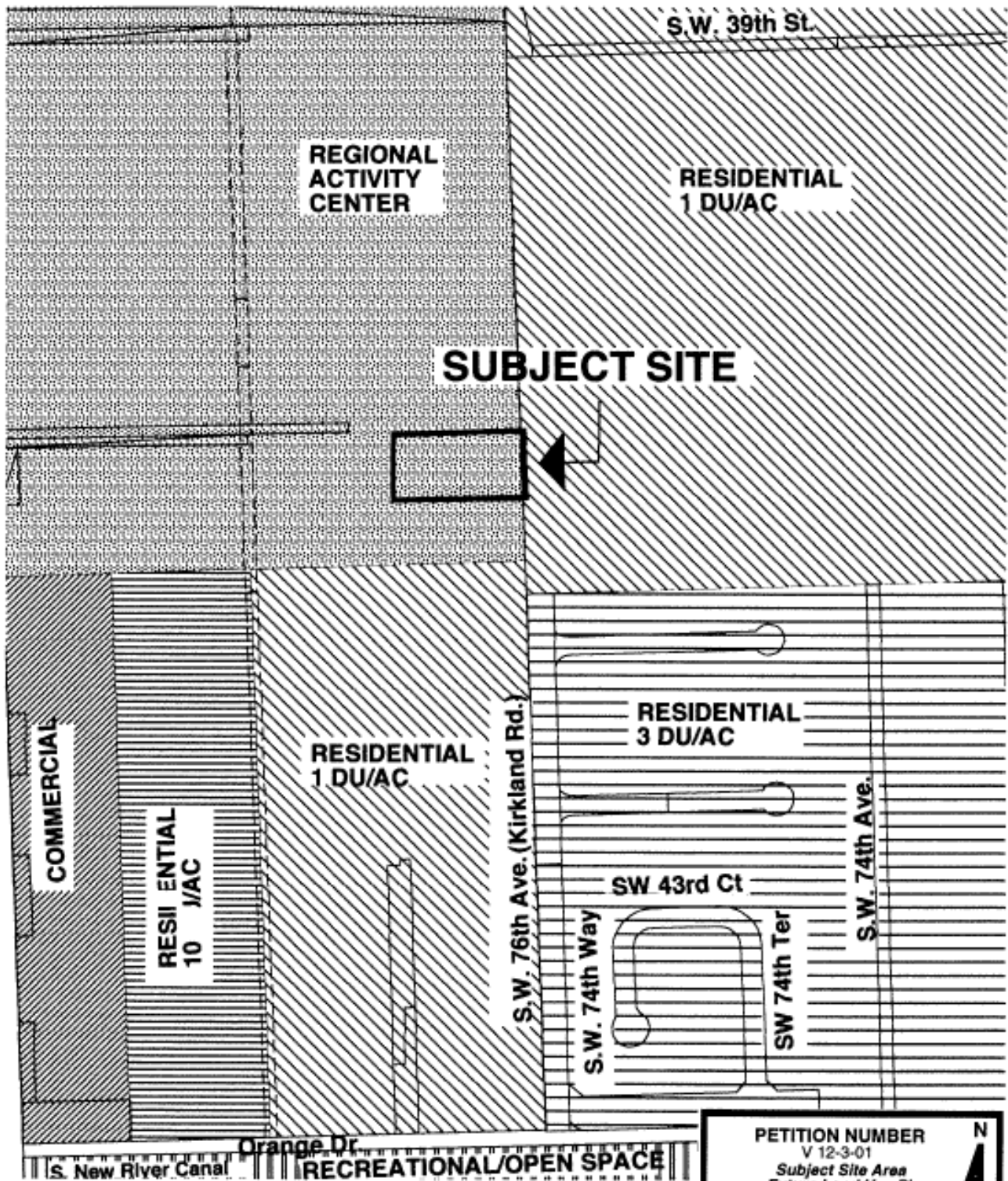
$$1/4^{\circ} = 1' - 0''$$

6-8  10¹¹ X 10¹¹ CO₂ 4.46e 28.97
 9-9 10¹¹ X 10¹¹ CO₂ 4.46e 28.97

GAZERO FLOOR PLAN:

1/4" x 1/2"

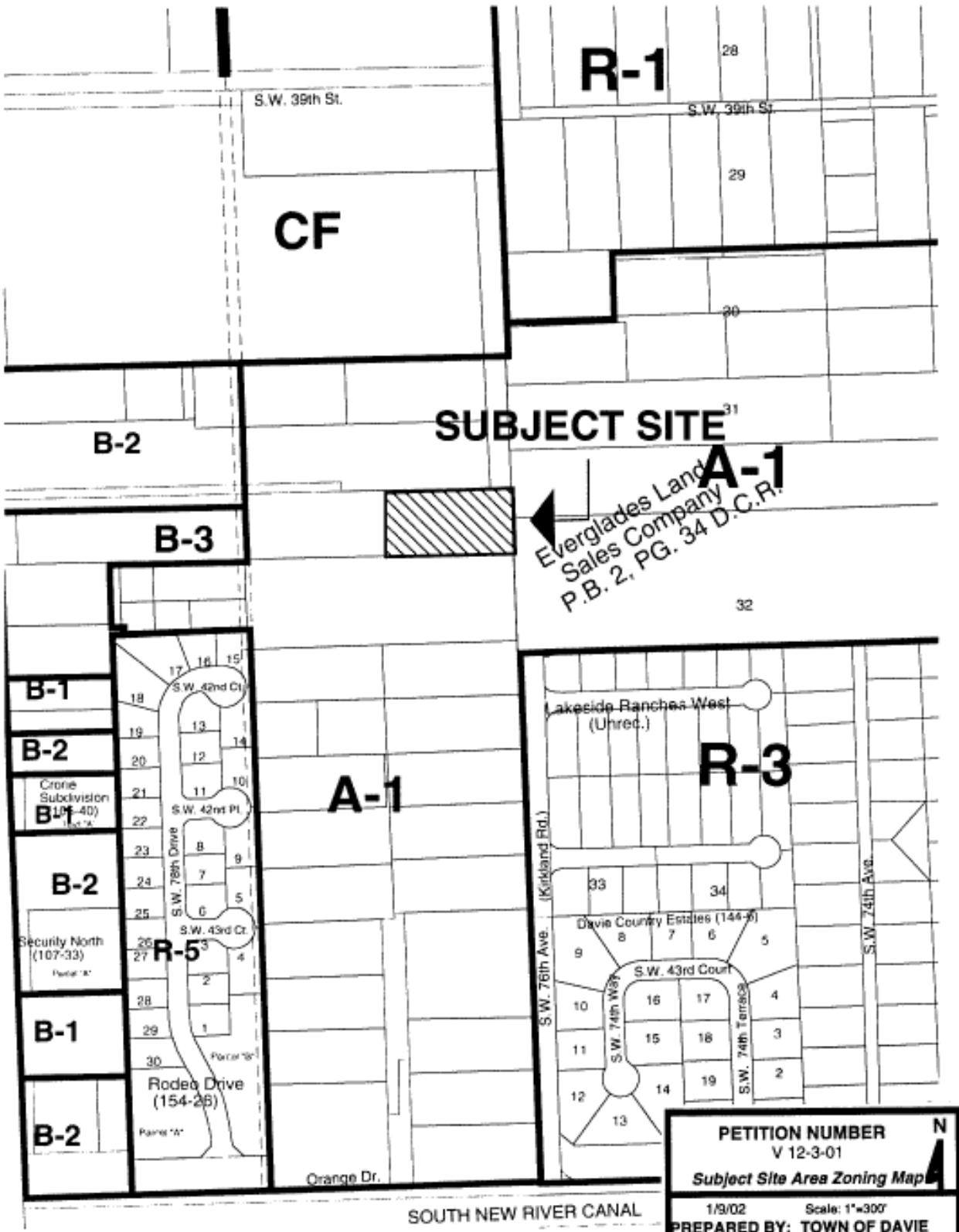




PETITION NUMBER
V 12-3-01
Subject Site Area
Future Land Use Plan

1/9/02 Scale: 1"=300'
PREPARED BY: TOWN OF DAVIE
PLANNING & ZONING DIVISION - GIS

N
4



Everglades Land Sales Company
P.B. 2, PG. 34 D.C.R.

PETITION NUMBER
V 12-3-01

Subject Site Area Zoning Map

1/9/02 Scale: 1"=300'

PREPARED BY: TOWN OF DAVIE
PLANNING & ZONING DIVISION - GIS

N
4

